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Ad-Hoc Query on 2024.18 Au Pair Regulations

Requested by EMN NCP Netherlands on 19 March 2024

Compilation produced on 16 May 2024

Responses from EMN NCP Belgium, EMN NCP Croatia, EMN NCP Cyprus, EMN NCP Czech Republic, EMN NCP Estonia, EMN NCP Finland, EMN NCP France, EMN NCP Germany, EMN NCP Greece, EMN NCP Hungary, EMN NCP Ireland, EMN NCP Italy, EMN NCP Latvia, EMN NCP Lithuania, EMN NCP Luxembourg, EMN NCP Netherlands, EMN NCP Poland, EMN NCP Portugal, EMN NCP Serbia, EMN NCP Slovakia, EMN NCP Slovenia, EMN NCP Spain, EMN NCP Sweden (23 in Total)

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1. BACKGROUND INFORMATION

In 2021, new regulations for au pairs to obtain a residence permit in the Netherlands were introduced by the Ministry of Justice and Security. According to the new rules, au pairs must be unmarried, are not allowed to have (foster) children of their own, and must be under 25 years old at the time of the application. The new regulations apply to applications submitted after October 1, 2022. The aim of these changes is to reduce the vulnerability of au pairs and to prevent potential misuse of the program. The impact of the policy adaptations will be evaluated, with results expected in 2024. In this context, it is considered valuable to compare the Dutch au pair regulations with those of other EMN Members.

We would like to ask the following questions:

- 1. 1. What are the main requirements for au pairs seeking to obtain a residence permit in your country? (e.g. age, marital status, previous residence statuses)**
- 2. 2. Is it possible for a third-country national who has minor (foster) children themselves to obtain a residence permit as an au-pair in your country? If yes, what are the policies regarding the (foster) children of the au pair?**
- 3. 3. Are there any financial requirements for au pairs, like pocket money or other (financial) benefits in order to grant the residence permit? YES/NO If you answered yes, what is the maximum amount?**

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4. 4. Is facilitation by a recognized au pair agency as a sponsor mandatory, or can the host family independently act as a recognized sponsor for the au pair?

5. 5. Are there any regulations or restrictions regarding the tasks au pairs are allowed to perform within the household of the host family? YES/NO If you answered yes, please explain what these regulations and/or restrictions are.

6. 6. How are regulations regarding au pairs enforced? When answering please indicate which authority is responsible and if violations are detected what are the sanctions imposed.

We would very much appreciate your responses by **16 April 2024**.

2. RESPONSES

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² A default "Yes" is given for your response to be circulated further (e.g. to other EMN NCPs and their national network members). A "No" should be added here if you do not wish your response to be disseminated beyond other EMN NCPs. In case of "No" and wider dissemination beyond other EMN NCPs, then for the Compilation for Wider Dissemination the response should be removed and the following statement should be added in the relevant response box: "This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further."

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	EMN NCP Belgium	Yes	<p>1. The term "au pair" refers to a young person who is temporarily accommodated in a family where he/she is provided with board and lodging in return for light family duties, with a view to improving his/her language skills and increasing his/her general culture through a better knowledge of the country by participating in the life of the host family.</p> <p><u>The young au pair must:</u></p> <ul style="list-style-type: none"> • be at least eighteen years of age and not have reached the age of twenty-six at the date of the granting of the employment authorization and work permit; • undertake not to hold any job in Belgium during the period of the au pair placement; • be the holder of a qualification which gives him/her access to higher education in the country of origin or provide evidence that he/she has attended school at least until the age of 17; • have a basic knowledge of the host family's language or undertake to acquire this basic knowledge by attending an intensive language course immediately after arrival in Belgium; • follow, during the period of the au pair placement, courses in an establishment recognised, approved or subsidised by one of the Communities or determined by the regional minister responsible for employment, and teaching the language(s) of the region in which he/she has come to improve his/her knowledge by providing a quarterly certificate of effective attendance at these courses; • have not yet been granted a work permit in Belgium. <p>Belgian host families, on the other hand, have to apply for an employment authorization and a B work permit if they want to host an au pair. On the basis of this employment authorization, the young person can apply for a visa (residence permit).</p> <p>Please note that the residence (visa) and work permit conditions do not apply to nationals of a Member State of the European Economic Area (the countries of the European Union plus Iceland, Norway and Liechtenstein) and Switzerland.</p>
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		<p>2. NO.</p> <p>3. YES.</p> <p><u>The host family must (amongst others):</u></p> <ul style="list-style-type: none"> • provide the au pair with a single room and free access to the house; • have contracted for the benefit of the young au pair an insurance covering the risks relating to medical, pharmaceutical and hospitalisation expenses in case of illness or accident; • let the young au pair have at least one full day of rest per week and full opportunity to participate in the exercise of his/her religion or philosophical views; • pay the au pair a monthly sum of at least 450 € by bank transfer, as pocket money; • undertake to take out an insurance policy for the possible early repatriation of the young au pair due to illness or accident, as well as to assume the costs which may arise for the State from the stay of the young au pair or from his repatriation. <p>4. A host family may act as a recognised sponsor (all requirements, see: Au Pair Work in Belgium Federal Public Service Employment, Labour and Social Dialogue).</p> <p>5. The au pair's involvement in daily family tasks, including childcare, may not exceed four hours per day and twenty hours per week. These tasks cannot be the main purpose of the stay.</p> <p>6.</p>
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			<p>The labour inspectorate is competent to monitor the application of this regulation. Depending on the type of offences committed, the following penalties may be applied:</p> <ul style="list-style-type: none"> • Level 3 sanction: either a criminal fine of EUR 800 to 8,000 or an administrative fine of EUR 400 to 4,000. • Level 4 sanction: either imprisonment for six months to three years and a criminal fine of EUR 4800 to 48,000 or one of these penalties only, or an administrative fine of EUR 2,400 to 24,000. <p>Imprisonment and criminal fine are imposed by a court following criminal proceedings. In the absence of such proceedings, an administrative fine may be imposed by the competent authority designated by law.</p> <p>The fine (both the criminal fine and the administrative fine) is multiplied by the number of au pairs involved in the infringement.</p>
	EMN NCP Croatia	Yes	<ol style="list-style-type: none"> 1. Croatia decided not to transpose the au pair category from Directive 2016/801. Therefore, Croatia does not have any specific residence permit for this category. 2. n/a 3. n/a 4. n/a



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			5. n/a
			6. n/a
	EMN NCP Cyprus	Yes	<p>1. The relevant Au pair Regulation of the Directive (EU 2016/801) has not been adopted by the Republic of Cyprus. Therefore there is no implementation of any policies regarding au pairs in the country.</p> <p>2. N/A</p> <p>3. N/A</p> <p>4. N/A</p> <p>5. N/A</p> <p>6. N/A. See answer in q.1</p>

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	EMN NCP Czech Republic	Yes	<ol style="list-style-type: none"> 1. The Czech Republic has decided not to transpose the au pair category from Directive 2016/801. Therefore, the Czech Republic does not have any specific residence permit for this category. Theoretically, the person could apply for a long term visa, but there is no legal entitlement for that and it would be assessed on individual basis. 2. - 3. - 4. - 5. - 6. -
	EMN NCP Estonia	Yes	<ol style="list-style-type: none"> 1. There are no requirements regarding age, marital status or previous residence statuses for au pairs seeking to obtain a residence permit in Estonia. There are two legal grounds in the national legislation for au pairs.

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Firstly, Aliens Act Article 106 (subsection 1) states that a short-term employment as an au pair of an alien who is staying temporarily in Estonia may be registered if the alien has a contract for helping the host family who live permanently in Estonia relating to babysitting and domestic work.

(2) For the purposes of this Act an au pair means an alien who lives with the host family in Estonia in order to improve his or her linguistics skills and develop knowledge of Estonia, and who in exchange takes care of children and may help the family in light domestic work.

(3) The volume of work of an au pair shall not exceed 25 hours per week and one day in a week shall be off duty.

(4) The host family may pay remuneration to an au pair for the performance of the contract.

(5) If the factual activities of an alien do not comply with the content and purpose of acting as an au pair, the host family and the alien are required to be guided by the legal bases to which the activity corresponds.

(6) The requirement for registration of the employer in Estonia shall not be applied with regard to the host family.

Secondly, Aliens Act Article 181 (subsection 4) states that (1) a temporary residence permit for employment as an au pair may be issued to an alien if the alien has a contract for helping the host family who live permanently in Estonia relating to babysitting and domestic work.

(2) The volume of work of an au pair shall not exceed 25 hours per week and one day in a week shall be off duty.

(3) The host family may pay remuneration to an au pair for the performance of the contract.

(4) If the factual activities of an alien do not comply with the content and purpose of acting as an au pair, the host family and the alien are required to be guided by the legal bases to which the activity corresponds.

(5) The requirement for registration of the employer in Estonia shall not be applied with regard to the host family.

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			<p>In case the employment does not comply with the au pair legislation, the general employment related legal grounds apply.</p> <p>2. Yes. It is possible for a third-country national who has a minor child to obtain a residence permit as an au pair in Estonia. For the child the applicant has to apply for temporary residence permit to settle with close relative and fulfil the requirements of the residence permit.</p> <p>3. No, there is no salary criteria applied to this residence permit and there is no requirement to apply for a permission of Estonian Unemployment Insurance Fund. The Aliens Act stipulates that the host family may pay remuneration to an au pair for the performance of the contract, but it is not obligatory.</p> <p>4. No, it is not mandatory to have facilitation by a recognized au pair agency as a sponsor. The host family can independently act as a sponsor.</p> <p>5. There are no specific restrictions regarding the tasks au pairs are allowed to perform, but the tasks have to be related to babysitting and domestic work. The Aliens Act stipulates that the volume of work of an au pair may not exceed 25 hours per week and one day in a week has to be off duty. The tasks will be agreed in the contract between the au pair and the host family. It is possible to stay in Estonia as an au pair with the temporary residence permit up to 1,5 years.</p> <p>6.</p>
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			The Police and Border Guard Board is responsible for detecting violations regarding the conditions of the residence permit. Labour Inspectorate focuses on making employment rights effective, including tackling undeclared work.
+	EMN NCP Finland	Yes	<p>1. S/he:</p> <ul style="list-style-type: none"> • is between 17-30 years of age and has not worked as an au pair in Finland or in any other country before • has basic knowledge of the Finnish or Swedish language and of Finnish culture • is not closely related to the members of the host family • has a health and accident insurance for the whole period of stay in Finland • has a health certificate, less than 3 months old, showing that s/he does not have any infectious disease which would prevent his/her au pair placement in a host family. • has a written agreement with his/her host family on his/her au pair placement, where the following has been agreed: <ul style="list-style-type: none"> ○ accommodation, rights and obligations during the au pair placement ○ means of support (income) and any benefits s/he may receive from the host family ○ duties, and how the maximum of 25 hours reserved for the duties is distributed over the week ○ free time and free days (at least one full free day every week, and two successive free days at least every second week) ○ courses s/he will attend (language course in Finnish or Swedish or other course where he/she will acquaint themselves with Finnish culture and society)

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			<p>2. Yes. Having a child or children is not an obstacle for obtaining an au pair residence permit. If the child (or children) are also coming to Finland, then the applicant must apply for residence permit based on family ties for the child/children, and must fulfil the requirements of this type of residence permit.</p> <p>3. YES. The host family must pay the au pair pocket money of at least 280 euros per month.</p> <p>4. No, it is not mandatory to use an au pair agency. The host family can independently invite an au pair to Finland (can act as a recognised sponsor).</p> <p>5. YES. In the written agreement between the au pair and the host family, all tasks and duties of the au pair are specified. The maximum number of working hours per week is 25. An au pair should be treated as a family member, and his/her tasks and duties should be in line with this status. An au pair can do light household and childcare work in the same manner as the host family's own children would do. The agreement should the hours when the au pair must be available and there must be no au pair duties at night.</p> <p>6. If the conditions in the agreement (submitted as an attachment to the application) are not in line with those defined in the Aliens Act or the government's proposal, the Immigration Service cannot grant the residence permit. In addition, if in the applicant's oral hearing it is revealed that the conditions of the agreement will not be fulfilled, the Immigration Service will not issue the residence permit. The Finnish Immigration Service can also notify the police of any abuses it detects.</p>
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<p>EMN NCP France</p>	<p>Yes</p>	<p>1. In accordance with Article L.426-22 of the Code on Entry and Residence of Foreign Nationals and Right of Asylum (CESEDA) and the decree of 4 May 2022 setting the list of supporting documents required for the issue of a temporary residence permit bearing the mention "young au pair", third-country nationals may apply for a temporary residence permit for a young au pair if they meet the following conditions:</p> <ul style="list-style-type: none"> - hold a long-stay visa; - be aged between 18 and 30; - have proof of residence; - be hosted temporarily by a family of a different nationality with no family ties, with the aim of improving their language skills and knowledge of France in exchange for light household and childcare; - to have concluded an agreement with this family: the au pair agreement regulates the various rights and duties of the au pair and the host family and must be signed by both parties before the au pair enters France; - have any document attesting either to a basic knowledge of the French language, or to a full course of secondary education or some form of professional qualification; - have a copy of an identity document from each of the host family's parents. <p>2. There is no provision in principle excluding a third-country national who is parent of a minor child from obtaining a visa or residence permit bearing the mention "young au pair". On the other hand, no specific rule or provision of the CESEDA lays down the conditions under which a third-country national who is parent of a minor child may reside on French territory under cover of the status of "young au pair" accompanied by his or her minor child. The application form "CERFA 15973*01", which serves as the agreement between the young au pair and the host family, does not cover the possibility of a stay as a "young au pair" accompanied by a minor child.</p>
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			<p>3. Yes. The agreement that the young au pair concludes with their host family provides for the payment by the host family of a sum by way of pocket money in return for tasks of a family or household nature (childcare, odd jobs around the house, for example) that the young au pair performs for the family (Article L. 426-22 of the CESEDA). In accordance with the decree of 4 March 2019 relating to the conditions of residence of young au pairs, the monthly amount of pocket money is a minimum of 320 euros (Article R. 426-13 of the CESEDA). In addition, the host family undertakes to bear the financial cost of the health insurance taken out by the young au pair (agreement concluded between the young au pair and the host family appearing in the appendix to the decree of 4 March 2019 relating to the conditions of residence of young au pairs provided by Article L. 319-9 of the CESEDA. The young au pair is affiliated to the general Social Security scheme (sickness, maternity, work-related accidents, basic retirement).</p> <p>4. No. The involvement of an au pair agency is not compulsory. The family can act alone.</p> <p>5. Yes. The agreement concluded between the holder of the 'au pair' residence permit and the host family defines the maximum weekly time devoted by the young au pair to the family's tasks, which may not exceed twenty-five hours (article 426-22 of the CESEDA). The young au pair must have time to attend classes in the subjects of his or her choice and must have at least one full day off each week. The household tasks of the young au pair include household work related to the daily life of children over the age of three (agreement concluded between the young au pair and the host family appearing in the appendix to the order of 4 March 2019 relating to the conditions of residence of young au pairs provided for by Article L. 319-9 of the CESEDA).</p>
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			<p>6.</p> <p>Firstly, in the event of a breach of the undertakings in the agreement referred to above, the agreement will be terminated at the end of a period allowing both parties to make the necessary arrangements, which may not be less than one week. The Immigration service of the relevant Prefecture will be notified. In addition, an appendix to the agreement concluded between the holder of the young au pair residence permit and the host family sets out the provisions of the criminal code punishing trafficking in human beings, the offences of exploitation, the rights guaranteed by law to the victim and the criminal penalties incurred by the employer. A list of contact details for associations specialised in victim assistance is included in this appendix. The police and judicial authorities are therefore competent to punish the perpetrators of the above-mentioned offences and protect the victims.</p>
	EMN NCP Germany	Yes	<p>1.</p> <p>Au pairs seeking to obtain a residence permit in Germany have to meet the following specific prerequisites:</p> <ul style="list-style-type: none"> -The foreigner must be younger than 27 years. -The foreigner must have elementary knowledge of the German language which corresponds to Level A1 (CEFR) -The family in which the au pair will be employed must be a family in which German is spoken as a mother language. If German is the family language spoken in the family (not the mother language) approval may be granted if the employee does not come from a home country of the host parents. -The au pair must not be related as a family member to the host family <p>Besides, the general rules for receiving a residence permit apply (e.g. a valid and recognised passport, the necessary visa prior to entry and secure subsistence).</p> <p>2.</p>

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		<p>Minor, unmarried children, under the age of 16, are granted a temporary residence permit on the basis of Section 32 Para 1 residence Act for the purpose of subsequent immigration. Foster children may be granted a temporary residence permit on the basis of Section 36 Para 2 Residence Act if it is necessary in order to avoid exceptional hardship. However, due to the legal requirements (secure subsistence etc.) and the specific circumstances of au pairs it seems that in practice it will be exceedingly unlikely that a minor child of an au pair could receive a temporary residence permit for subsequent immigration.</p> <p>3. The au pair contract must cover at least:</p> <ul style="list-style-type: none"> -Accommodation and meals are provided free of charge by the host family. The au pair takes part in the shared meals and receives the same food as the family members. -Au pairs generally have their own room in the family home. -280 Euros of pocket money per month -A monthly contribution of 70 Euros for German language courses (for contracts agreed upon before May 1st 2023 the contribution must be 50 Euros). -In addition, the host family has to pay the travel costs to the language course (since May 1st 2023) -An obligation of the host family to insure the au pair in cases of sickness, pregnancy and birth as well as accidents. <p>4. In Germany it is recommended but not mandatory to rely on a recognized au pair agency as a sponsor. As long as the conditions for the residence permit can be fulfilled families can also accept au pairs without the facilitation of a (recognized) au pair agency.</p> <p>5.</p>
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		<p>Yes, there are restrictions concerning the tasks au pairs are allowed to perform within the household of the family. According to the German visa manual, the usual tasks of an au pair consist of:</p> <ul style="list-style-type: none"> -Looking after children -Helping with light housework (keeping the flat tidy, washing or ironing clothes) -Preparing breakfast and simple meals and -Looking after the house or flat <p>Explicitly, the duties of an au pair do not include giving care to family members in a medical sense. If care is to be provided for relatives living in the family this is not considered au pair employment. A residence permit issued to au pairs does not allow this kind of work.</p> <p>The working hours must not exceed 6 hours per day and 30 hours per month. The au pair is entitled to 1.5 day off per week (for contracts agreed upon before May 1st 2023 au pairs were entitled to 1 day off per week). The au pair must be given at least 2 days of holiday per month.</p> <p>6.</p> <p>There is no general authorization for the German law enforcement to monitor compliance with the rules in host families.</p> <p>Depending on the nature of the abuse and the specific circumstances a residence permit may either be withdrawn or not extended, it might be issued for a short time only or the au pair might be allowed to change the host family.</p> <p>In aggravated cases it is possible to withdraw the residence permit and ask the au pair to leave the country. If there are indications that the au pair arrangement is being abused, which are not sufficient for a refusal, approval will initially only be granted for a limited period, usually for an initial au pair employment period of three months.</p> <p>Before an extension is granted, the host family will be asked in accordance with Section 39 Para 2 sentence 3 Residence Act, to provide suitable evidence regarding for instance the pocket money paid, the contributions made to finance the German language course and proof of health and accident insurance.</p>
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			In cases of suspected abuse au pairs can also contact their au pair agency or if that is not possible they can contact the emergency helpline for au pairs. Au pairs and host families are handed a leaflet containing the most relevant information regarding the stay of an au pair. Also, the contact details of the helpline can be found in the leaflet. If the requirements have not been met, re-admission to another host family is possible. A change to another host family must be justified in writing. Whether the reasons are comprehensible and what consequences follow from them must be decided on a case-by-case basis.
	EMN NCP Greece	Yes	<ol style="list-style-type: none"> 1. There are no national legislative provisions in Greece regarding the admission of third country nationals as au pairs, as the may provision (article 2, par.1) of the Directive 2016/801 regarding au pairing has not been transposed in the national legislation. 2. see answer to Q1 3. see answer to Q1 4. see answer to Q1 5. see answer to Q1 6. see answer to Q1

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	EMN NCP Hungary	Yes	<ol style="list-style-type: none"> 1. Hungary did not choose to apply the optional clause on au pairs of Directive 2016/801. Based on the above, persons who intend to undertake employment as an au pair in Hungary must meet the general conditions for entry and residence. 2. There are no particular rules, potential au pairs must meet the general conditions for employment. 3. There are no particular rules, potential au pairs must meet the general conditions for employment. 4. No such sponsorship schemes are in place in Hungary. 5. No 6. Au pairing by third country nationals in Hungary is sporadic
	EMN NCP Ireland	Yes	<ol style="list-style-type: none"> 1. <i>Ireland does not have a specific immigration permission and residence permission for au pairs. Ireland has not opted-in to DIRECTIVE (EU) 2016/801 on the conditions of entry and residence of</i>

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		<p><i>third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing (recast).</i></p> <p><i>In Ireland, au pairs are considered as domestic workers where it is clear they are working under a contract of employment [1]. Domestic workers are not eligible for Employment Permits except in exceptional circumstances as set out in the Employment Permits (Amendment) Act 2014. Domestic workers enjoy the same protection and employment rights under Irish employment legislation as all other legally employed workers.</i></p> <p><i>Individuals seeking to work in Ireland in the capacity of au pair may enter the State under other visa or residence permissions and must adhere to the conditions set out as part of these permissions. For example, students with a student immigration permission may engage in casual work for up to 40 hours per week during the months June to September and for a 4-week period from mid-December to mid-January. Outside those times, employment is limited limit is 20 hours per week.</i></p> <p><i>Under the Employment Permits Acts, in order to work in the State, all non-EEA nationals require a valid employment permit or relevant immigration permission from the Minister for Justice which allows them to reside and work in the State without the requirement for an employment permit [3].</i></p> <p>[1]https://www.workplacerelations.ie/en/what_you_should_know/employment_types/domestic-workers/ [2]https://www.irishimmigration.ie/coming-to-work-in-ireland/what-are-my-options-for-working-in-ireland/coming-to-work-for-more-than-90-days/working-holidays-in-ireland/#background [3]https://enterprise.gov.ie/en/what-we-do/workplace-and-skills/employment-ermits/employment-permit-eligibility/who-needs-an-employment-permit-/</p> <p>2. N/A</p> <p>3. N/A</p>
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			<p>4. N/A</p> <p>5. N/A</p> <p>6. N/A</p>
■	EMN NCP Italy	Yes	<p>1. The entry into Italy of foreign citizens who want to carry out "au pair" activities in Italy falls within the framework of "working holiday" entry visas and, therefore, occur "outside the quotas" of flow decrees.</p> <p>In fact, according to current regulations, under Article 27 of the Consolidated Immigration Act (Legislative Decree 286/1998) "Entry for work in special cases":</p> <p>"1. Outside of the entries for work referred to in the preceding articles, authorized within the quotas referred to in Article 3, paragraph 4, the implementing regulations shall regulate special procedures and time limits for the issuance of work authorizations, entry visas and residence permits for subordinate work, for each of the following categories of foreign workers:"[...]</p> <p>"(r) persons who, according to the rules of international agreements in force for Italy, carry out research activities or occasional work in Italy as part of youth exchange or youth mobility programs or are persons placed "au pair."</p> <p>Furthermore, according to Article 40 c. 20 of Presidential Decree No. 394/99:</p> <p>"20. For the third country nationals referred to in Article 27(1)(r) of the Consolidated Act, the work authorization is issued within the framework, including numerically, of the international agreements in</p>

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		<p>force, for a period not exceeding one year, unless otherwise specified in the agreements themselves. In the case of persons placed as au pairs outside youth exchange or youth mobility programs, the work authorization cannot be for a period of more than three months.</p> <p><i>In the case of foreigners arriving in Italy on a working-holiday visa, within the framework of international agreements in force for Italy, the work clearance (nullaosta) may be issued by the Sportello Unico per l'Immigrazione (S.U.I.) subsequent to the foreigner's entry into the territory of the State, at the request of the employer, for a total period not exceeding six months and for not more than three months with the same employer.</i></p> <p><i>Therefore, the maximum duration of the visa is one year, usually divided into 6 months of tourism and 6 months of work. If the entry of "au pairs" is outside the aforementioned bilateral agreements, the period of work may not exceed three months (Art. 40, paragraph 20 of Presidential Decree 394/99. Once the TCN enters the national territory he/she will apply for the issuance of the residence permit, within 8 working days.</i></p> <p><i>The requirements for being able to obtain the permit are the same as those already examined for the issuance of a visa and in any case subject to existing agreements on cooperation with other states.</i></p> <p><i>With respect to age, it is also added that in Italy, the specific discipline of "au pair placement" is provided by Law No. 304 of May 18, 1973 - Ratification and Execution of the European Agreement on Au Pair Placement, with Annexes and Protocol, adopted in Strasbourg on November 24, 1969.</i></p> <p><i>Article 4 of the mentioned Law provides:</i></p> <p><i>"1. The person placed as an au pair shall not be less than 17 years of age or more than 30 years of age.</i></p> <p><i>However, exceptionally and upon reasoned application, exceptions may be permitted by the competent authority of the host country regarding the maximum age limit."</i></p> <p>2.</p>
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		<p><i>There is no specific regulation for the family members of these categories of workers, the conditions are as stipulated in Art. 29 of the Consolidated Immigration Act.</i></p> <p><i>With reference to the possibility that foreign citizens placed as au pairs can access family reunification-with their own or foster children, or with their spouse or parents as provided for by Italian regulations-we point out that Art. 28 of Legislative Decree 286/98 (Consolidated Immigration Act) expressly indicates the residence permits that entitle them to family reunification. They are: the residence card or residence permit of not less than one year issued for employment or self-employment, or for asylum, study, religious or family reasons. In addition, the same article stipulates that such a permit must be of at least one year's duration, while, according to Article 40 paragraph 20 of Presidential Decree 394/99, a residence permit for au pair placement is issued for a period not exceeding one year.</i></p> <p>3. <i>There are no particular facilities. The maximum amount for the maximum duration of 1 year is about 86 euros.</i></p> <p>4. NA</p> <p>5. NA</p> <p>6. <i>The application for clearance (nulla osta) for au pair placement under Art. 27 lett. R (Consolidated Immigration Act) is submitted through form N and processed by the territorially competent Prefectures.</i></p>
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	EMN NCP Latvia	Yes	<ol style="list-style-type: none"> 1. There are no special residence permits for au pairs in Latvia. In the case of au pairs, the person seeking to obtain the residence permit in Latvia has to comply with the same requirements that are set for any other TCN seeking to work in Latvia. Thus, there are no exceptions or special requirements for au pairs in terms of age, marital status, existence of minor children. 2. N/a 3. N/a 4. N/a 5. N/a 6. N/a
	EMN NCP Lithuania	Yes	<ol style="list-style-type: none"> 1. Pursuant to Part 1 of Article 2 of Directive (EU) 2016/801 of the European Parliament and of the Council of 11 May 2016, Lithuania chose not to transpose those provisions of that relate to au pairing. Au pairs are considered to be unqualified labor and are not distinguished as a category in national regulation.

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			<p>2. N/A</p> <p>3. N/A</p> <p>4. N/A</p> <p>5. N/A</p> <p>6. N/A</p>
	EMN NCP Luxemb ourg	Yes	<p>1. The main requirements for third-country nationals au pairs seeking to obtain a residence permit as au pair in Luxembourg are the following:</p> <ul style="list-style-type: none"> • hold a valid passport; • check whether or not they have to obtain a visa to enter the Schengen area; • have the written approval from the minister responsible for youth. <p>To get this approval, they also have to meet the specific conditions required to be a young au pair, namely:</p> <ul style="list-style-type: none"> • be at least 18 and under 30 years old;

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		<ul style="list-style-type: none"> • hold a certificate giving them access to higher education in their country of origin, or give proof that they have attended class until the age of 17 at the minimum; • have basic knowledge of the languages spoken by the host family, as well as English or one of the country's three administrative languages (German, French or Luxembourgish); • provide a medical certificate established less than 3 months prior to their arrival, proving that the young au pair is able to carry out simple routine family tasks, including childcare; • have signed an au pair hosting agreement with an approved host family; • not carry out any salaried or freelance work during their time as an au pair. <p>2. In Luxembourg, article 3 of the law of 18 February 2013 on the reception of young au pairs and article 62 bis of the amended law of 29 August 2008 on free movement of persons and immigration (Immigration Law) do not request a non-parenthood statement. However, in both laws as well in the exposition of motives of the bill n°6328 of 14 September 2011 the legislator makes reference to a young person which will do routine family tasks including childcare for a family in Luxembourg while learning languages, so in principle the applicant must be single. In any case, the applicant cannot apply to come to Luxembourg with her/his child as there is no family reunification possible.</p> <p>3. The host family wishing to host an au pair must conclude a hosting agreement with the au pair before the au pair leaves their country of residence. This agreement specifies the rights and duties of each party. The host family must:</p> <ul style="list-style-type: none"> • submit the certificate of affiliation with the Joint Social Security Centre to the National Youth Service (SNJ) in the month following the hosting of the au pair;
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- take out **civil liability insurance** from a duly approved insurer in Luxembourg for the au pair, for the duration of their stay;
- allow the au pair to have:
 - at least **3 free evenings per week**;
 - a full day of rest each week;
 - **2 additional days of rest per month**;
- give the au pair enough time to allow them to:
 - attend **language courses**;
 - improve their cultural skills;
- cover the costs related to the language courses taken by the au pair;
- provide **food** and **accommodation** to the au pair;
- make available a **private room** for the au pair and ensure he or she has **unrestricted access to the home**;
- transfer to the au pair a monthly **fixed sum** corresponding to 1/5th of the social minimum wage as pocket money. The pocket money:
 - is **not subject to the general social security and tax contributions** applicable to salaries;
 - must be paid to the au pair even during periods of inactivity;
- ensure the possible early repatriation of the au pair in the event of:
 - sickness or accident;
 - withdrawal of the au pair's approval or the host family's accreditation.

So the host family has to pay the language courses, room and board and the language courses. The maximum amount of the pocket money is one-fifth of the minimum social wage (approximately 514,19€).

4.


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		<p>No. The host family has to get the accreditation from the SNJ which is in charge of managing, monitoring and coordinating au pair stays.</p> <p>5. Yes. The young au pair must carry out simple routine family tasks, including childcare. These tasks can only be performed for up to 5 hours per day and not more than 25 hours per week (in average on a month).</p> <p>6. The SNJ is in charge of managing, monitoring and coordinating au pair stays. The au pair must commit to:</p> <ul style="list-style-type: none"> • participate in a mandatory information session upon arrival, organised by the SNJ; • attend language courses during their stay; • abide by the legislation relating to the entry and stay of foreigners; • not carry out any salaried or freelance work during their time as an au pair; • participate in a mid-term evaluation session organised by the SNJ. <p>The approval can be withdrawn if the au pair:</p> <ul style="list-style-type: none"> • Uses fraudulent practices or made false declarations to obtain the approval • Does not respect their obligations <p>In case of gross misconduct on the part of one of the parties the hosting agreement can be terminated. Also, the Minister in charge of immigration and asylum in accordance with article 133 of the Immigration Law can request a control in case there is the suspicion that the conditions are not being respected.</p>
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 EMN NCP Netherlands	Yes	<p>1. • If the au pair needs a provisional residence permit (MVV) to come to the Netherlands, the au pair agency applies for a MVV for entry and residence. This is not necessary for countries that are exempted from MVV. • The au pair is at least 18 and no more than 25 years old at the time of the application. • The au pair is unmarried and needs to submit a legalized and translated declaration of unmarried status to the au pair agency. • The au pair does not have any (foster) children. • The au pair has not had a residence permit for cultural exchange in the Netherlands before. • The maximum stay of an au pair in the Netherlands is 12 months. This cannot be extended. • The au pair is going to live with a host family which is registered in the Personal Records Database (BRP). The au pair will also be registered at that address. • The au pair's host family has 2 or more members. They have the Dutch nationality or a valid residence permit for the Netherlands. • The au pair has not worked for the host family before, in the Netherlands or abroad. • The au pair is not related as a family member to the host family. Related means: parents, children, brothers and sisters, grandfathers and grandmothers, grandchildren, uncles and aunts, cousins, nieces and nephews, great grandparents and great grandchildren. • Only a recognized au pair agency (https://ind.nl/en/public-register-recognised-sponsors) can submit the application for an au pair residence permit.</p> <p>2. The au pair does not have any (foster) children and is required to provide a personal statement affirming non-parenthood. The au pair agency is responsible for verifying these statements.</p> <p>3. The maximum allowance for pocket money for an au pair is 340.00 euros per month.</p> <p>4. Facilitation by a recognized au pair agency as sponsor is mandatory in the Netherlands. This means that the agency has permission from the Immigration and Naturalisation Service (IND) to bring au pairs to the Netherlands. The following requirements on the part of the host family and the au pair agency have to be met in order for the IND to grant the permission to bring au pairs to the Netherlands: Host family: • The au pair's host family has to meet the minimum income requirements (please see: https://ind.nl/en/independent-sustainable-and-sufficient-income) Au pair agency: • The au pair has</p>
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			<p>not signed a contract with a host family, intermediary agency (Dutch or foreign), or au pair agency stating that the au pair must pay a fine if he/she does not fulfil the contract. • The au pair has not paid more than €34 in costs to prepare for their stay in the Netherlands. For example, for registration and intermediary services by an intermediary agency or to take a course about staying in the Netherlands. it is not allowed to impose financial fines by the host family/au pair agency on the au pair when they do not fulfil the contract.</p> <p>5. • The au pair will do light housekeeping tasks* for the host family. The au pair does this no more than 8 hours a day and for a maximum of 30 hours a week. The au pair has 2 days off each week. • The au pair will not carry out tasks for people who need more specialised care, for which the au pair need to have a specific skill, such as nursing. • The au pair and the host family will make a schedule for all 7 days of the week. The au pair and the family sign this schedule daily. The schedule must at least include: o the number of hours of light housekeeping tasks the au pair is going to do; o which 2 days during the week the au pair is off; o which person in the host family does light housekeeping tasks besides the au pair. *There is no specific definition for 'light housekeeping tasks'.</p> <p>6. Au pair agencies are not authorised to monitor compliance with the rules in host families. The police and Dutch Labour Inspectorate are allowed to carry out inspections in case of suspected abuse. For this, authorisation is needed from the public prosecutor to enter a house. If the Dutch Labour Inspectorate finds that the Aliens Employment Act is being violated, a fine may be imposed. Just like au pair agencies, the IND is not authorised to carry out inspections, but the IND can revoke an au pair's residence permit.</p>
	EMN NCP Poland	Yes	<p>1. There are no special regulations for au pairs in Poland, which means that the general rules for employment of foreigners in Poland apply.</p>



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			<p>2. N/A – please see answer to Q1</p> <p>3. N/A – please see answer to Q1The Au Pair should not receive pocket money, but a real salary in line with current wages in the country.</p> <p>4. N/A – please see answer to Q1. Employment of an au pair is only possible under the general regulations on the employment of foreigners in Poland.</p> <p>5. N/A – please see answer to Q1</p> <p>6. N/A – please see answer to Q1In general the State Labour Inspectorate is authorised to supervise and control compliance of employment with labour laws.</p>
	EMN NCP Portugal	Yes	<p>1. Portugal has decided not to transpose the au pair category from Directive 2016/801. Therefore, Portugal does not have any specific residence permit for this category. The person could apply for a long term visa, but there is no legal entitlement for that and it would be assessed on individual basis.</p> <p>2. N/A</p> <p>3. N/A</p> <p>4. N/A</p> <p>5. N/A</p> <p>6. N/A</p>


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	EMN NCP Serbia	Yes	<ol style="list-style-type: none"> 1. Serbian legislation does not recognize au pairing as a ground for residence. 2. N/A 3. N/A 4. N/A 5. N/A 6. N/A
	EMN NCP Slovakia	Yes	<ol style="list-style-type: none"> 1. The Slovak Republic did not transpose the au pair category from Directive 2016/801. Therefore, the Slovak Republic does not have any specific residence permit for this category. Theoretically, the person could apply for a temporary residence permit for the purpose of employment (if engaging through agency) or for the purpose of business (if engaged directly by a family).


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			<p>2. NA</p> <p>3. NA</p> <p>4. NA</p> <p>5. NA</p> <p>6. NA</p>
	EMN NCP Slovenia	Yes	<p>1. Slovenia has not decided to implement the optional au pair category from Directive (EU) 2016/801.</p> <p>2. N/A</p> <p>3. N/A</p> <p>4. N/A</p>


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			<p>5. N/A</p> <p>6. N/A</p>
	EMN NCP Spain	Yes	<p>1. Age: 17-30 years old.</p> <p>2. There are no restrictions regarding the marital or family status of the au pair. However, the au pair can only bring the child if he/she is his/her child, biological or adoptive. With the authorisation of the other parent, if applicable. There is no provision for foster children.</p> <p>3. The au pair shall receive a certain amount of pocket money every month.</p> <p>4. Family can act as a recognized sponsor.</p> <p>5.</p>

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			<p>The au pair will provide services to the host family, which will consist of participation in daily household chores.</p> <p>6. Spain has ratified the European Agreement on Au Pair Placement, done in Strasbourg on 24 November 1969. The authorities are responsible for checking that the visa requirements are met.</p>
	EMN NCP Sweden	Yes	<p>1. The main requirements for au pairs are have a valid passport be 18 but not 30 years old when the decision is made have an agreement on work from a family in Sweden where it states that you will work with light household work and childcare for a maximum of 25 hours per week (the time for household work and studies may not together exceed 40 hours per week) receive free of charge board and lodging and minimum salary of 10 % of the price base amount the host family must have taken out accident insurance for the au pair which should include accidents during working hours and illness if the au pair becomes ill from work have, or have applied for, comprehensive health insurance that is valid for care in Sweden have enough money for your stay in Sweden and to be able to pay your travel home pay a fee in most cases, SEK 1500</p> <p>2.</p>

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		<p>Yes. There is no basis to be granted residence permit for family members of an Au Pair. Therefore it is not possible to be accompanied by family members which would include foster children.</p> <p>3. Yes. A financial requirement is to offer a certain compensation for work done, a minimum salary of 10 % of the price base amount per month before tax. There is no maximum amount. The price base amount is for 2024 SEK 57 300.</p> <p>4. No. A host family can independently act as a recognized sponsor,</p> <p>5. Yes. There is a maximum of 25 hours child minding and light hour work per week. What these tasks entail are not regulated. There is also a demand on studying Swedish.</p> <p>6. The Domestic Work Act - contains stipulations about work that an employee carries out in the household of the employer. The stipulations concerns for example overtime, protection against ill health, supervision, responsibility, sanction fee and damages. All stipulations in The Act on working time etcetera in domestic work applies for employees who are at least 18 years of age and work, or will be working as au pair in Sweden. The Swedish Work Environment Authority - supervises that the employer is following the stipulations in the Domestic Work Act is followed. An investigation will only start if requested or if there is a special reason. Other authorities involved if violations are detected The Swedish Migration Agency - handles applications on permits for au pair work in Sweden. The SMA has routines on how to handle and investigate indicators of human trafficking and/or exploitation</p>
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			<p>which among others include giving information to the person being violated on his/her rights and reporting a suspected crime to the Police. If/when violations concerning a residence permit for au pair work are detected the SMA may also start an investigation whether the permit should be revoked.</p> <p>The Swedish Police Authority - receives police reports and investigates if crime has been committed. The sanctions for human exploitation is 14 days up to 4 years in prison, and 2 up to 10 years in prison for human trafficking.</p> <p>Swedish Gender Equality Agency - coordinates the activities against trafficking in human beings at a national level and is responsible for the National Task Force against Prostitution and Human Trafficking. The agency has regional coordinators against prostitution and trafficking employed by the social services. The regional coordinators can support victims of crimes in terms of practical consultations, coordinating efforts and give guidance to professionals and people who seek help. if you have been exploited or suspects someone else is there are coordinators within the Swedish Gender Equality Agency to contact for a formalised support</p> <p>Social welfare offices - main responsibility for support to person being violated</p> <p>Civil society organisations</p>
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